

ORDINANCE NO. 7422

AN ORDINANCE TO AMEND THE AUGUSTA, GEORGIA CODE TITLE FOUR, CHAPTER ONE, ARTICLE TWO, SECTION(S) 4-1-35 THRU 4-1-50 RESERVED SECTION; TO CREATE NEW SECTION 4-1-35 "ANIMALS IN VEHICLES", PROHIBITING THE CONFINEMENT OF ANIMALS IN ENCLOSED VEHICLES WITHOUT ADEQUATE VENTILATION DURING PERIODS OF EXTREME TEMPERATURES; TO PROHIBIT CERTAIN BEHAVIOR THAT CONSTITUTES ANIMAL CRUELTY; AUTHORIZING PUBLIC SAFETY OFFICERS TO SEIZE SUCH ANIMALS; TO REPEAL ALL CODE SECTIONS AND ORDINANCES AND PARTS OF CODE SECTIONS AND ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE AND FOR THE OTHER PURPOSES PROVIDED HEREIN.

WHEREAS, Augusta, Georgia has a significant interest in encouraging responsible pet ownership; and

WHEREAS, Every year, dozens of dogs, cats and other animals die tragically due to heat stroke after being left unattended in cars, trucks and vans. It does not take an extremely hot day to produce unsafe temperatures inside a vehicle. Research has shown that with an outside temperature of approximately eighty-five degrees, the inside air temperature in a car can reach over one hundred degrees in an inadequately ventilated vehicles; and

WHEREAS, Owners of these animals usually do not intend to place their pet at risk and do not understand how quickly the internal temperature of an enclosed vehicle can rise. However, the owner is responsible for well being and safety of their animal. Pet owners should follow the same rules of thumb as parents of young children and not leave them unattended in enclosed vehicles; and

WHEREAS, Augusta, Georgia declares that it is the policy in Augusta, Georgia that dogs and cats should never be left unattended in vehicles for more than five minutes under any circumstances that would endanger the animals health, safety, or welfare; and

WHEREAS, It is the purpose of this Ordinance to protect pets by prohibiting operators and passengers of motor vehicles from leaving the vehicle with an unattended dog, cat or other animals inside for five minutes or more. Because there is not a specific Code section that deals with this type of neglect of animals, Augusta, Georgia desires to update and amend the Code as related to unattended animals in motor vehicles.

THE AUGUSTA, GEORGIA BOARD OF COMMISSIONERS ordains as follows:

SECTION 1. AUGUSTA, GA. CODE Section 3-7-14 as set forth in the AUGUSTA, GA. CODE, readopted July 10, 2007, is hereby amended by striking this section in its entirety as set forth in "Exhibit A" hereto and inserting in lieu thereof new Code Section 3-7-14 as set forth in "Exhibit B" hereto.

SECTION 2. This ordinance shall become effective upon its adoption in accordance with applicable laws.

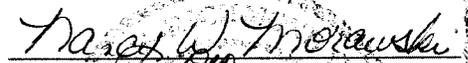
SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this 18 day of June, 2013.



David S. Copenhaver
As its Mayor

Attest:



Lena J. Bonner, Clerk of Commission

Seal:

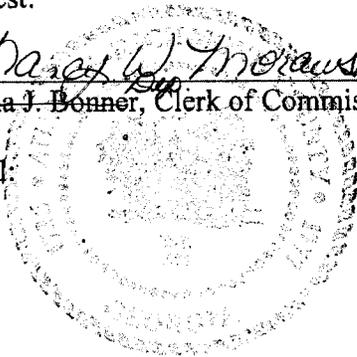


Exhibit A

STRIKE:

Sec. 4-1-35-4-1-50 Reserved.

Exhibit B

REPLACE WITH:

Sec. 4-1-35 Unattended animals in motor vehicles.

- (a) It shall be unlawful for a person to confine an animal in a stationary or parked vehicle or other enclosed space in such a way as to endanger the animal's health, safety, or welfare. It is presumed that an animal's health, safety, or welfare is endangered when the animal is confined in a parked or standing vehicle for a period of five or more minutes when the ambient outside air temperature measures above eighty-five degrees Fahrenheit or below thirty-five degrees Fahrenheit.
- (b) The actions prohibited by this ordinance are in addition to any prohibitions existing elsewhere in this Code or any applicable state or federal law. Nothing in this section shall be construed to limit any duty imposed on any owner by any other provision of this Code or any applicable state or federal law.
- (c) Public safety officers, including animal control officers, law enforcement officers, firefighters, or rescue team personnel, shall have the authority to seize any animal that is the subject of any violation of this ordinance if doing so is believed to be necessary to protect the animal's health, safety, or welfare.
- (d) If a public safety officer personally witnesses a violation of any provision of this ordinance he or she may use whatever means are reasonably necessary, including entry of the vehicle, to remove an animal from such jeopardy and may impound said animal and secure medical treatment for said animal as needed at the owner's expense. Safety officers may take possession of any deceased animal found in any stationary or parked vehicle for purposes of determining the cause of death in question pursuant to animal neglect or cruelty of this Code.
- (e) Animal control officer, law enforcement officer, firefighter, or rescue team personnel should then leave notification for the driver of the vehicle after the animal is removed from the stationary or parked vehicle or other enclosed space. The public safety officer shall remand the animal to the custody of Augusta, Georgia Animal Services Department if the officer is unable to locate the owner or other person responsible for the animal or if the circumstances in which the animal was found posed an imminent danger to the animal.
- (f) Safety officers, including law enforcement officers, firefighters, and rescue team personnel shall not be liable in any civil action to any party for any act performed in good faith under this section.
- (g) Penalty for violation of article. Leaving an animal unattended, or otherwise violating this code section is a misdemeanor punishable by a fine of up to \$1,000 and/or imprisonment in the Augusta, Georgia jail for a period not in excess of sixty (60) days.

Sec. 4-1-36 - 4-1-50 Reserved.